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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STEPHEN MITCHELL,

Plaintiff,

v.

DR. HAROLD NEMETZ, OPEN DOOR  
COMMUNITY HEALTH CENTER, U.S.  
DEPARTMENT OF HEALTH & HUMAN  
SERVICES and DOES 1-20 INCLUSIVE,

Defendants.

Case No. C 07-5112 EDL

**CERTIFICATION PURSUANT  
TO 28 U.S.C. § 2679(d)**

I, Joann M. Swanson, hereby certify as follows:

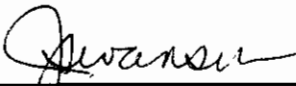
1. I am the Chief of the Civil Division of the United States Attorney's Office for the Northern District of California. Pursuant to written delegation from Scott N. Schools, the duly appointed United States Attorney for the Northern District of California, I have been authorized to exercise on behalf of the United States Attorney the authority vested in him by the Attorney General, pursuant to 28 C.F.R. § 15.3, to certify pursuant to 28 U.S.C. § 2679(d) that a federal employee named as a defendant in a civil action was acting within the course and scope of his employment with reference to the matters alleged in the suit.

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Certification Pursuant to  
28 U.S.C. § 2679(d) - Dr. Harold Nemetz

1           2.       I have reviewed the complaint in the above-captioned action. Dr. Harold Nemetz is an  
2 employee of Open Door Community Health Center, a federally deemed health center. Pursuant to the  
3 Federally Supported Health Centers Assistance Act, 42 U.S.C. § 233(g)-(n), Dr. Nemetz is covered  
4 under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2401(b), 2671-80. On the basis of those  
5 citations and certain other information provided to me, pursuant to the provisions of 28 U.S.C. § 2679(d)  
6 and by virtue of the authority vested in me as set forth above, I hereby certify that Dr. Harold Nemetz  
7 was acting within the course and scope of his employment with the Open Door Community Health  
8 Center.

9  
10 Dated: December 18, 2007

  
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JOANN M. SWANSON  
Assistant United States Attorney  
Chief, Civil Division